

**REMARKS/ARGUMENTS**

Claims 1, 10, 11, 17, 18, 20, 22, 30, 31, 35, and 36 have been amended solely in order to shed further light on the present invention. As will be clear from Applicants' responses to the outstanding rejections, no claims have been amended for any reason related to any of those rejections, which are traversed in their entireties, or for any reason related to patentability of the inventions.

New claims 38-53 are added. Support for new claims 38-53 is found throughout the Specification and claims as originally filed. No new matter has been added.

Claims 1, 5-22 and 26-53 are currently pending in this application and are at issue herein. Claims 1, 22, 35, 36, 38, and 45 are independent claims. Claims 2-4 and 23-25 were previously cancelled.

Reconsideration of the rejection of claims 1, 5-22 and 26-37, and consideration of new claims 38-53 is respectfully requested.

**Background**

The inventions include novel database structures and methods and systems for storing and analyzing data within a database, particularly large amounts of data stored on large databases.

In particular, Applicants' inventions relate, for example, to data islands partitioned inside a database. Each data island contains data owned by a specific client engaged, for example, in a fundraising campaign. Examples of clients engaged in fundraising include nonprofit organizations, such as charitable organizations.

Data within each data island contains one or more constituent records comprising information about individuals. In one form, the constituent records are individual donor records, and can include personal data and well as transactional data relating to the specific donor.

In preferred embodiments, each data island will also include a proprietary ID or other device for privacy purposes, *i.e.*, to ensure that the data from each organization (such as constituent records) remains isolated from the data owned by other organizations. In preferred embodiments, data does not pass from one island to another.

The information is stored in a plurality of fields, although each individual within a constituent record is assigned an identifier that is unique across the various data islands.

A linking table comprising a compilation of individual unique identifiers for constituent records, together with information identifying which of the data islands contain information about each constituent, is also provided within embodiments of Applicants' inventions. The linking table allows database searching across islands and aids, for example, in speeding such searching. For example, if information about an individual is desired, instead of searching hundreds or thousands of data islands, one can determine immediately from the linking table those data islands that contain information about an individual, and then search for information only within those islands.

Also included in embodiments of Applicants' inventions is a master data island that includes a compilation of various fields from the constituent records stored in the data islands. For example, the master data island will contain a compilation of information for all donors in the various data islands.

Data islands include an opt-in field. The opt-in field indicates whether the client wishes to participate in a data-sharing scheme. The opt-in field may include a multi-valued variable,

with each value corresponding to a particular data-sharing scheme. This allows each client to share their data with others in a manner of their choice.

A data pool is provided which includes select information from the constituent records stored in the data islands. The information included in the data pool is dependent upon which information, if any, the organization wishes to share via the opt-in mechanism. Information stored in the data pool is analyzed, and the results of the analysis shared with opt-in organizations, which may use the results in various aspects of their businesses, including marketing and strategic planning. For example, organizations can use the results of the analysis to identify potential donors, or groups of potential donors, and determine a probability of a charitable donation being made by individual donors or groups of donors.

An automatic update option is also provided. Using this option, an organization can automatically update their information relative to an individual donor if, for example, the information relating to that donor is updated by another organization. For example, if a donor has donated to organizations A and B, both organizations may have the donor's address information stored in their respective constituent records. If the donor updates his/her address with organization A, the automatic update option will automatically update the donor's address with organization B.

None of the alleged prior art cited by the PTO teaches or suggests these inventions, nor any of their advantages.

#### **Cited Documents**

In support of its rejection of claims, the PTO cited the following:

1. U.S. Patent No. 5,506,393 to Ziarno ("Ziarno I");
2. U.S. Patent No. 6,519,572 to Riordan *et al.* ("Riordan");

3. U.S. Patent No. 6,539,446 to Chan ("Chan");
4. U.S. Patent No. 4,965,719 to Shoens *et al.* ("Shoens");
5. U.S. Patent No. 5,665,952 to Ziarno ("Ziarno II"); and,
6. U.S. Patent No. 6,535,871 to Romansky *et al.* ("Romansky").

None of these documents – which relate to pots (literally) with attached electronics for collecting donations via credit card; electronic invoices; computer update locks and lock managers; credit card contribution recording devices; and the indexing of encrypted documents – whether taken alone or together, support a *prima facie* case under 35 U.S.C. § 103, or relate in any meaningful way to the inventions claimed in the instant application.

Ziarno I – U.S. Patent No. 5,506,393 issued on April 9, 1996 to Ziarno for “Donation kettle accepting credit card, debit card, and cash donations, and donation kettle network.” An alleged improvement over prior art pails like those used by the Salvation Army during Holiday season, Ziarno I relates to attendant-manned pails with attached electronics.

Ziarno I is a bucket, literally (item 100 in Figures 1 and 2), with electronics attached to it that allow an attendant (item 101 in Figures 1 and 2) to take donations by credit or debit card. Ziarno I calls this bucket a “donation kettle.” The ‘393 patent says the kettle is, quite simply, “a container used for collecting donations,” and references containers made of metal, wood, or “other material appropriate to construct a container into which a donation can be deposited,” which are “commonly constructed in the shape of a pail with a handle” (col. 1, lines 30-35).

According to Ziarno I, problems with the “donation kettles” used for many decades included security and theft, contributors who only have “a bill that is larger than the bill” they prefer to donate, impediments to receiving a tax benefit for a cash donation, and contributors who have either a debit or credit card but no cash to contribute.

Consequently, says Ziarno I, there exists a need for a “donation kettle that provides a secure way of making a donation, allows a contributor to make a donation that is his donation preference, and allows the contributor to obtain a tax benefit” (col. 1, line 52 – col. 2, line 31). Ziarno I says this is provided via a bucket that allows a contributor to make a credit and debit card donation, and can collect, integrate, and display information associated with donations (col. 2, lines 32-42).

The patent says a donation kettle may be part of a “donation kettle network” consisting of a donation kettle, a terminal, and a communication link between the donation kettle and the terminal. According to Ziarno I, Figure 1 “is an overall system configuration of a donation kettle network according to the present invention.” The patent also refers to a method of processing a donation obtained via a “donation kettle” by a card account processor, and describes a “docking station” on a donation kettle for a card reader (e.g., col. 6, line 32).

No matter what Ziarno I calls it, or how prolix the description, the patent is simply for a moveable bucket with a card-reading machine used for taking and recording donations. Historically, the Patent Office would have referred to such a device as a “mere aggregation” rather than a “true combination,” given that the container itself has nothing to do with collecting money electronically. See MPEP 2173.05(k).

**Riordan** – U.S. Patent No. 6,519,572 issued on February 11, 2003 to Riordan *et al.* for “Method and system for collecting and processing marketing data,” based on first application filed November 24, 1997. It relates to market research.

According to Riordan, problems with prior market research methods include (1) the cost and accuracy of data collection using surveys, questionnaires, “and other costly, and time-consuming techniques”; (2) the “crudity” of data provided by tracking sales transactions at

retailer points of sale, such as the number and types of items sold by the merchant, which allegedly fail to provide “detailed data regarding sales patterns of particular socioeconomic groups or individual customers”; and (3) shortfalls of “preferred customer” cards, which (i) are limited to obtaining information about “preferred customers,” (ii) allegedly do not permit data collected by one retailer to be integrated and cross-referenced with data collected by other retailers (thus providing a “significantly skewed perspective of a customer’s purchasing patterns as a whole”), (iii) depend on a customer remembering to bring his or her “preferred” card to the retailer; and, (iv) supposedly “require significant hardware and software resources to collect and maintain the collected data.”

Riordan’s answer is use of an “electronic” invoice that contains line items stored in a computer in association with a “hierarchical coding scheme” in which each portion of a code “identifies a significant characteristic of the product.” Riordan refers to the codes as “unique universal identification codes” (UIDCs).

By way of illustration, says Riordan, their “hierarchical system”

might classify tennis shoes as a product category and assign to that product category a unique UIDC. The hierarchical scheme might further classify tennis shoes as a subcategory of athletic footwear. Athletic footwear might itself be a subcategory of a broader category encompassing footwear generally, which might in turn be a subcategory of a still broader category encompassing clothing of all varieties [col. 8, lines 27-35; emphases added].

According to Riordan, UPC codes aren’t good enough because they allegedly don’t “convey any substantive information regarding the class of products to which the particular product belongs” (col. 8, lines 1-8).

In sum, the focus of Riordan is electronic invoices that describe and classify products. The information is, as one might imagine, stored in a searchable database.

The patent's use of invented terms – like “hierarchical identifier” to reference a classification code, and “unique universal identification codes” to reference product descriptors or abbreviations – does not mask the plainness of Riordan.

**Chan** – U.S. Patent No. 6,539,446 issued on March 25, 2003 to Chan for “Resource locking approach,” based on an application first filed May 7, 1999. It relates to computer update locks.

Referring to hardware and software that can be accessed “by multiple processes” (col. 1, lines 10-35), Chan states that, in the prior art, in order to prevent a “second process” from erroneously believing that a “resource” is up to date while a “first process” is in fact updating it, a variety of “locks” were used (col. 1, lines 35-45). Prior art locks were managed by one or more “lock managers” residing on one or more computers (col. 1, lines 56-67). Chan recites alleged problems with prior art locking mechanisms, including corrupted lock managers and “frozen resources.”

According to Chan, prior art lock managers “can be corrupted” on the failure of a lock manager or the “node” (*i.e.*, computer) on which it resides, resulting in the corruption or loss of “lock request queue data” that specifies the status of locks (col. 2, lines 1-8). As a consequence, says Chan, one might not “immediately” know which resources associated with the lost lock data were locked at the time of the failure and, as a result, no new locks can be granted on the resources until the lock data is re-built which can cause undesirable processing delays, *i.e.*, “frozen” resources (col. 2, lines 9-15; col. 2, line 16 – col. 3, line 20).

The solution, Chan says, is to generate “duplicate lock data” (col. 3, lines 31-58). That's it.

While the writers of Chan use words like “resource” to describe hardware and software, “nodes” to describe computers, and “distributed computing systems” to describe “communicatively coupled” nodes (*i.e.*, computers that can talk to each other), the language does not cover the noticeable simplicity of having duplicate lock data in case the original data is lost.

***Shoens*** – U.S. Patent No. 4,965,719 issued on October 23, 1990 to Shoens, *et al.* for “Method for lock management, page coherency, and asynchronous writing of changed pages to shared external store in a distributed computing system.” It relates to computer update locks.

Although not cited by Chan, the earlier Shoens patent also refers to the management of concurrent access to records and data by the use of locks (col. 1, lines 37-46). The patent is said to be directed toward “managing the grant and release of locks” to increase the throughput of processes “concurrently executing selectively lockable data resources while maintaining coherency among replicates of the information state of any accessed resource” (col. 2, line 54 – col. 3, line 34).

According to Shoens, it does this by the preparation and distribution of messages and “overlapping a resource lock request with the processing incidental to accessing the resource” (*id.*).

***Ziarno II*** – U.S. Patent No. 5,665,952 issued on September 9, 1997 to Ziarno for “Method of streamlining the acknowledgement of a multiplicity of contribution or gift commitments made at a plurality of remote locations to distinct fund-raising organizations and gift recipients and system therefor,” based on priority claims to numerous continuation-in-part applications filed in 1995, 1994 and 1993.

Like Ziarno I, this patent to Witold Ziarno, a Chicago patent attorney, also relates to portable devices for recording card contributions via credit/debit cards, this one allegedly being



directed to “streamlining” the acknowledgement of contributions to charitable organizations (see, e.g., col. 1, lines 39-43).

According to Ziarno II, the prior art did not provide an “easy, convenient method” for “managing or acknowledging” contributions to charitable organizations (see, e.g., col. 1, lines 51-54). Prior art fundraising methods included seeking “pledges.” According to Ziarno II, a problem with this type of fund-raising is that “a number of pledges do not get honored.” Ziarno II states that a fund-raising organization may lose pledges because a contributor’s financial situation may have changed by the time it comes to honor a pledge or because “the impulse for a contributor or gift giver to make a pledge” is less than it was at the time the pledge was made. In other settings, says Ziarno II, when asked for a donation, a target contributor may not have “cash on him” or a checkbook. See, e.g., col. 1, line 59 – col. 5, line 27. For unknown reasons, Ziarno II also contends that there was “no convenient way” for a contributor to make a gift by credit card at a fund-raising event (col. 2, lines 23-28).

According to Ziarno II, there existed a need for:

1. an apparatus and method that allows a fund-raising organization to “capture the impulse” of a contributor to make a contribution commitment and consummate the gift prior to dissipation of the impulse (col. 2, lines 15-22);
2. a fund-raising “management terminal or peripheral” that “immediately records card contributions and gifts by cardholders” (col. 3, lines 10-15) because, supposedly, “there is no way” to enter and acknowledge a large number of contributions made by credit or debit card (col. 2, lines 37-40);
3. a method and system of acknowledging gift commitments from a “remote processing center” (col. 2, lines 40-43);

4. a contributions “management terminal” that does not interpose “a request for authorization between a plurality of sequential contributions . . . whereby contributors . . . are not inconvenienced and the ardor to make a contribution or gift is captured in time and space” (col. 2, lines 59-65);

In sum, Ziarno II alleges, there was a need for a device “that immediately records card contributions” and “facilitates the making of a contribution or gift” (col. 3, lines 11-16). To the extent such problems existed, they were simple ones. Likewise, there was an equally simple solution.

Ziarno II proposes a portable “gift acceptance” device (*i.e.*, a credit/debit card processor; col. 10, lines 11-18) that accepts and records donations. The device can also send information via a “wire-less [*sic*] communication link” (col. 10, line 35) to a “remote” location from which an “acknowledgement” may be sent to the gift-giver’s address. See, e.g., claim 1.

Ziarno II uses a number of conjured terms to describe the application of prior art devices. For example, it refers to a container 440 having a credit card processor 307 as a “gift acceptance device” or a “gifts management terminal” (col. 27, lines 32- 36). No matter the terminology, the sum and substance of Ziarno II is a wireless credit card processor hooked to a means for sending a “thank you” note.

***Romansky*** – U.S. Patent No. 6,535,871 was issued March 18, 2003 to Romansky, *et al.* for “Method for searching a digital rights management package,” based on an application filed July 24, 2000. It relates to searching documents that have been protected by encryption (col. 1, lines 7-9).

The patent refers to the practice of browsing books in a store prior to purchase. Noting the arrival of the Internet, Romansky states that sometimes potential buyers have the ability to

review and copy material before they purchase it while, in other instances, buyers must first purchase the material (col. 1, lines 19-24). Some owners of textual material, says Romansky, prepare a summary of the material they have for sale so that search engines and potential purchasers may find and review the material before purchase. Romansky states that, while this works well for non-encrypted text, “secure or encrypted documents cannot be searched” (col. 1, lines 25-35). Preparing a non-encrypted abstract of a protected document may solve the problem but, says Romansky, the creation of an abstract is expensive and time-consuming and they do not always contain the information present in the article being searched (*id.*).

Romansky’s solution is preparation of a “plain text index” that references an encrypted document so that the index rather than the document is searched.

According to Romansky, the index “is synchronized and hides contextual information so that potential buyers may determine whether they want to obtain rights to review the document” (Abstract; col. 1, lines 66-67). Thus, claim 1 recites a method comprising (1) creating an index of a document; (2) removing “contextual information” to conceal “the context of the document,” (3) removing sensitive words from the index; (4) removing key words from the index; (5) randomizing the order of words in the index; (6) randomizing the frequency information in the index so that the significance of a particular key word may not be determined; and (7) encrypting the full text of the document.

**§ 112, Second Paragraph Rejections – Claims 1, 5-22 and 26-36**

Claims 1, 5-22 and 26-36 were rejected under § 112, second paragraph, as allegedly indefinite. This rejection is without legal basis and is traversed in its entirety.

The second paragraph of 35 U.S.C. § 112 dictates that a Specification end with one or more claims “particularly pointing out and distinctly claiming the subject matter which the

applicant regards as his invention.” This “definiteness” requirement is met when a person experienced in the field of the invention would understand the scope of the subject matter that is patented when read in conjunction with the rest of the specification. It has long been held by the Federal Circuit, “[i]f the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, [section] 112 demands no more.” *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1385, 231 USPQ 81, 94-95 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); *Miles Lab., Inc. v. Shandon Inc.*, 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993), *cert. denied*, 114 S. Ct. 943 (1994).

The purpose of claims is not to explain the technology or how it works, but to state the legal boundaries of the patent grant. Thus, definiteness is a question of law. *Carl Zeiss Stiftung v. Renishaw PLC*, 945 F.2d 1173, 1181, 20 USPQ2d 1094, 1101 (Fed. Cir. 1991). Under the law, a claim is not “indefinite” simply because it may be “hard to understand when viewed without the benefit of the specification.” *S3 Inc. v. Nvidia Corp.*, 259 F.3d 1364, 59 U.S.P.Q.2d 1745 (Fed. Cir. 2001). Here, it is plain that the claims are not so lacking in clarity as to be indefinite.

**First “Indefiniteness” Rejection** – The PTO alleged that “the results” and “the analysis” as used in the claim 1 phrase “*wherein results of the analysis are useable by the clients in fundraising campaigns*” lack antecedent basis (December 2, 2004 Office Action, page 2).

Applicants’ original claim 1 referred to a database comprising one or more **virtual data islands** with client data and constituent records, a **data pool** having selected data from the constituent records, and “**program code** for analyzing the data pool.”

In Applicants’ Response filed June 3, 2004, claim 1 was amended to recite, in addition, a **master island** and a **linking table**. The phrase “*wherein the results of the analysis are used in*

*fundraising campaigns*” was inserted following reference to the linking table, but before reference to the “program code” reference.

As the PTO immediately recognized, such a phrase was supposed to have been inserted after rather than before the phrase “program code for analyzing the data pool.” See, e.g., the Summary of the Invention, paragraph one, which states: “The method further comprises the steps of creating a data pool having selected data from the CRs, analyzing the data pool, and using the results of the analysis in fundraising campaigns.” See also, Figure 2, showing that in step 224 the analytic data pool is analyzed, and that in step 228, the results of the analysis are used in fundraising campaigns.

Such readily discernable typographical errors, however, do not and cannot support a rejection under 35 USC § 112, second paragraph. If an Examiner believes that the form of the claim (as distinguished from its substance) is improper, an “objection” may be made, but a rejection is improper. See MPEP § 706.01.

While Applicants have adjusted independent claim 1 and other relevant claims to insert the phrase “*wherein the results of the analysis are used for fundraising*” to its proper place, it is plain that no substantive change is intended or made by this adjustment. The claim has not been amended for any reason related to patentability, as the claim was and is clear both prior to and after this rectification.

***Second “Indefiniteness” Rejection*** – Referring again to the phrase “*wherein the results of the analysis are used in fundraising campaigns*” the PTO further alleged that the scope of the invention was “difficult to determine” because it is “unclear what data is being analyzed” (December 2, 2004 Office Action, pages 2-3). Such alleged “difficulty” cannot make a claim indefinite under the law.

Nevertheless, it is plain that the data in the data pool is being analyzed. As noted in the Specification, selected data is obtained from constituent records stored in the virtual data islands. Indeed the PTO acknowledges this at the top of page 3 of the December 2, 2004 Office Action, stating, “analysis of the data in virtual island database will be assumed.” Given that the PTO itself readily determined the meaning of the claim it cannot, as a matter of law, have been indefinite.

Applicants further note that, while the independent claims have been revised to refer to these data, these changes do not work any substantive change to any claim as they merely make express what was already without difficulty understood. All claims were and are clear both prior to and after this alteration, and none have been amended for any reason related to patentability.

***Third “Indefiniteness” Rejection*** – Referencing the phrases “*a data pool having selected data from the CRs*” and “*a master island containing a compilation of fields in the virtual data islands*,” the PTO also alleged that the “scope of the invention” was unclear on the assertion that

it is unclear which data is selected from the client data constituent records to be inserted in the data pool, and which data is selected from the virtual data islands to be inserted into the master island [December 2, 2004 Office Action, page 3].

This statement is not understood. Applicants’ Specification makes clear that data from one or more constituent records in the virtual data islands is stored in the data pool, while the master island includes a compilation of fields from the virtual data islands. See, e.g., paragraph one, Applicants’ Summary of the Invention, which states, in pertinent part:

“The method further comprises the steps of creating a master island containing a compilation of the fields in the virtual data islands.”

“The method further comprises the steps of creating a data pool having selected data from the [constituent records], analyzing the data pool, and using the results of the analysis in fundraising campaigns.”

Applicants also do not understand the PTO's further remark that it would assume that "the data pool is comparable to a master island" (December 2, 2004 Office Action, page 3). While the data pool will include select data from constituent records contained in the virtual data islands, *i.e.*, "data that the clients or individuals have agreed to share" created "based on the opt-in flags and optionally the opt-out flags" (paragraph [0047]), the master island will contain data from the various fields stored in the virtual data islands.

The PTO will note that Applicants' revised independent claims refer to the data in the data pool, *i.e.*, "data from one or more constituent records stored in the one or more virtual data islands." As noted above, however, this does not work any substantive change to any claim, and no claims have been amended in response to the PTO's rejection or for any reason related to patentability. The claims were and are clear and unambiguous in light of the written description both prior to and after this amendment and the 35 USC § 112, second paragraph rejection is inapposite.

***Fourth "Indefiniteness" Rejection*** – Finally, referring to the phrase, "*one or more program code for analyzing the data pool,*" the PTO alleged that the scope of the invention was "difficult to determine" because it was allegedly not clear to the Examiner how "analyzing the data pool" relates to "the results of the analysis" which are used in fundraising campaigns. Again, the Specification makes plain that data in the data pool is analyzed, with the results of that analysis used for fundraising, *e.g.*, in fundraising campaigns.

Although it is the law that claims may use language that those skilled in the art understand without the need for explicit, detailed definitions in the written description, *see, e.g.*, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1556-58, 220 USPQ 303, 315-16 (Fed. Cir. 1983), such detail is provided in the instant Specification. Additionally, the PTO recognized

with no trouble that “analyzing the data pool” does relate to “the results of the analysis” (December 2, 2004 Office Action, page 3). Given that the PTO itself readily determined the meaning of the claim it cannot, as a matter of law, have been indefinite.

In sum, Applicants respectfully request that the rejection of claims 1, 5-22 and 26-36 be reconsidered and withdrawn. The rejected claims were and are clear and their meaning understandable and unambiguous.

As indicted above, none of the amendments to any claims in this application, or the presentation of new claims, may be interpreted as having been made in response to this or any other rejection, or as further limiting in any way the scope of any issued claims or the application of the doctrine of equivalents.

**§ 103 Rejections - Claims 1, 5-9, 11, 12, 16, 20, 22, 26-29, 32, 33 and 35-37**  
**(Ziarno I in view of Riordan)**

Claims 1, 5-9, 11-12, 16, 20, 22, 26-29, 32-33 and 35-37 were rejected for alleged obvious within the meaning of 35 U.S.C. § 103(a) over Ziarno I in view of Riordan.<sup>1</sup> Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 refers to a database with one or more **virtual data islands** partitioned inside the database, each virtual data island storing client data **for a specific client engaged in fundraising**, the client data containing **one or more constituent records** including information about individuals stored in a plurality of fields, with each individual is assigned a unique identifier; a **data pool** having specified data from constituent records stored in the virtual data island(s); a **master island** containing a compilation of the fields in the virtual data island(s); a **linking table** including a compilation of the unique identifiers of the individuals whose records

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<sup>1</sup> The PTO did not provide a rejection for claim 37. However, the PTO alleges that Ziarno I discloses a charitable organization. Accordingly, for convenience and to advance prosecution of the case, Applicants will address claim 37 herein.



are contained in the virtual data island(s); and one or more **program codes** for analyzing data in the data pool, wherein results of the analysis are useable by the clients for fundraising.

Independent claim 22, 35 and 36 are directed to: a method for analyzing a computer system database comprising creating the partitioned virtual data islands, data pool, master island, and linking table as recited in claim 1, and analyzing data in the data pool, which analysis may be used by clients for fundraising (claim 22); a computer-readable medium having computer-executable instructions for performing a method for analyzing a database as recited, for example, in claim 1 (claim 35); and, a method for creating a database residing in a computer system as recited, for example, in claim 1 (claim 36).

The alleged prior art relates to attendant-manned buckets with attached credit card readers (Ziarno I) and computer-based invoices with line items and codes to identify product characteristics (Riordan). These two documents, spanning fields of endeavor widely apart from one another, are not directed to the issues addressed by Applicants' inventions and are not properly combined. One has nothing to do with fundraising at all, and neither document relates to, for example, partitioned databases, storing data from discreet (*e.g.*, competing) fundraising organizations and/or campaigns, creating data pools with data from constituent records, or sharing of donor information between organizations.

One trying to create the virtual shared databases described and claimed in Applicants' application to advance the storage and sharing and analysis of charitable information from and between organizations would not look to pails with credit card readers or electronic invoices. The law requires a basis in the art for combining or modifying alleged references, which has not been provided here. Thus, a *prima facie* case of obviousness has not been established.

Additionally, a *prima facie* case is not established where, even if the alleged references were properly combined, the result is not the claimed invention. That is the case here and, in this regard, Applicants submit that the PTO has misapplied Ziarno I.

***Virtual Islands*** – For example, referring to kettle 100 in Figure 1 of Ziarno I, the PTO equated Ziarno I's donation bucket with a virtual data island of the present application (December 2, 2004 Office Action, page 4). As set forth in Ziarno I, however, “the term ‘donation kettle’ refers to a container used for collecting donations” (col. 1, lines 30-31). Indeed Figure 1 of Ziarno I makes quite clear that its donation kettles are actual physical devices for collecting donations (see also Figure 3, which shows bucket “100”). The pail of Ziarno I, plainly, is not Applicants’ virtual data island. The virtual data islands of Applicants’ inventions are not containers for collecting donations, and Ziarno I's physically separated pails do not represent partitioned data inside a database. For this reason alone, Applicants respectfully submit that the PTO's rejections are improper and request that they be reconsidered and withdrawn.

***Partitioned Databases*** – Additionally, the PTO incorrectly equated Ziarno I's kettle data storage 302 and terminal 120 with a partitioned database of Applicants' claims. Ziarno I's data storage 302 is simply a storage located within each donation pail that collects information about credit/debit card donations made at that particular donation kettle. This information is later communicated to the terminal 120, via a communication link, after a single session of donation collection (col. 3, line 66 to col. 4, line 5).

Clearly, multiple donation kettles, which are physical containers for accepting donations, do not reside in the data storage 302 in Ziarno I. Each donation kettle of Ziarno I includes its

own data storage 302. Thus, Ziarno I does not meet the claimed limitations of one or more virtual data islands partitioned inside a database.

It certainly does not, furthermore, teach or suggest virtual data islands storing client data for specific different clients that engage in fundraising, and the PTO's citations to column 1, lines 20-25, column 4, lines 48-51, and column 5, lines 4-10, are inapposite. Column 1, lines 20-25, simply refers to "a donation kettle that allows a contributor to make a credit card donation, a debit card donation, or a cash donation, and accepts, stores, and displays information regarding the donation." The donation is made to a single "charitable organization." Column 4, lines 48-51, merely states that, "The card account of the contributor of [*sic*] the charitable organization is appropriately charged or debited the amount of the donation and the account of the charitable organization is augmented respectively" (emphasis added). Likewise, column 5, lines 4-10, is of no relevance. It simply states that card/donation information may be "submitted in batch to a card account processor."

**Data Pool** – Applicants also respectfully submit that the Ziarno I donation bucket patent does not teach or suggest a data pool within the meaning of Applicants' claims. Applicants' claims include reference to data pools having data from one or more constituent records from opt-in clients stored in virtual data islands. The constituent records include information about individuals, with the information stored in a plurality of fields. As discussed, Ziarno I does not disclose virtual data islands partitioned inside a database. Ziarno I thus cannot teach a data pool having selected data from constituent records stored in virtual data islands. The portion of Ziarno I cited by the PTO (column 5, lines 10-20) simply states that a "software routine" tallies the various donations made at a single donation pail for a contributor or contributors, including donations made by credit or debit card, or (supposedly) with cash. This donation information is

retrieved from the pail's storage 302 (col. 4, lines 41-43), which is simply a general storage area for the card-reader/bucket. Ziarno 1 is devoid of any teaching or suggestion of a data pool having selected data from constituent records stored in virtual data islands.

**Master Island** – A master island is referred to at page 8, lines 23-29 (paragraph [0032]) of Applicants' specification:

In this particular embodiment, the data warehouse also contains a derived data island 108X also referred to as a master island. The master island 108X contains a compilation of various fields from all the entries in all the other data islands. For example, the various data islands may contain donor profile information like name, address, phone number, and unique\_id, and transactional information like donation history and event participation history. The master island 108X contains a compilation of profile information of all donors in all the other islands.

The PTO cited column 5, lines 23-28 of Ziarno I as teaching a master island. However, this portion of Ziarno I simply states that, "in conjunction with a printer," a report "commonly used for accounting purposes" could be generated to summarize the donations made at a specific pail. This is clearly not a master island of the claimed invention, which comprises a master list of the fields in the virtual data islands. Applicants' master island is not merely a summary of donations or a summary of donations made to a single organization or campaign.

**Constituent Records** – Applicants' constituent records include information about individuals, with the information stored in a plurality of fields, wherein each individual is assigned a unique identifier. The PTO improperly equated these descriptions with column 9, lines 48-50 and 67 of Ziarno I. This portion of Ziarno I simply refers to a receipt "for a single donation or a plurality of donations," the receipt being "for tax purposes." Generating a receipt for tax purposes does not remotely teach or suggest assigning unique identifiers to individuals, and storing information about these individuals in a plurality of fields.

***Linking Tables*** – Ziarno I also contains no teaching or suggestion regarding Applicants' linking table. The PTO sought to combine the Ziarno I kettle with the coded electronic invoices of Riordan on the basis that Riordan uses the phrase "linking table" at column 10, lines 1-15.

As noted above, Applicants respectfully submit that there is no basis to bring together Ziarno I and Riordan. Applicants further note, however, that the "linking table" referred to in Riordan is a Graphical Information System (GIS). The GIS comprises a set of tables that group customers on the basis of residence, ethnicity, family status, phone numbers, taxes, vocation, number of credit cards held, *etc.* This is distinct from the linking table recited in the present claims.

Applicants' linking table includes a compilation of unique identifiers of the individuals whose records are stored in the separate virtual data islands, together with information regarding which of the various data islands contain information about these individuals. The linking table is updated each time a new individual is added to any of the component database islands. Because each individual is assigned a unique identifier, the linking table provides a speedy search mechanism allowing a user to quickly determine which virtual data islands contain information about a certain individual. Such a linking table is plainly different than the GIS data structure referred to in Riordan.

For at least the reasons set forth above, Applicants submit that the PTO has improperly combined Ziarno I with Riordan in an attempt to arrive at Applicants' claimed invention. Moreover, Applicants submit that no combination of Ziarno I with Riordan teaches or suggests the inventions recited in any of independent claims 1, 22, 35, or 36. Accordingly, these claims are submitted to be allowable over the cited documents, and Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

Claims 5-9, 11, 12, 16, 20, 37, 26-29, 32, and 33, which depend cognately from independent claims 1 and 22, respectively, recite further detail that patentably defines over the cited documents, and are thus also respectfully submitted to be allowable.

**§ 103 Rejections – Claim 17 (Ziarno I in view of Riordan and Chan)**

Claim 17 was rejected under 35 U.S.C. § 103(a) as allegedly obvious over Ziarno I in view of Riordan as applied to claim 16, and further in view of Chan. Applicants respectfully traverse the PTO's rejections for at least the following reasons.

Claim 17 depends from claim 16. Claim 16 recited the database of claim 1 with "means for automatically updating fields in a virtual data island if corresponding fields in other virtual data islands are updated." Rejected claim 17 recites the database of claim 16, further comprising "means for automatic notification of an update option, wherein when a field in one client's virtual data island is updated, a notification is sent to other participating clients that have a corresponding field."

The deficiencies of Ziarno I and Riordan have been previously noted. Chan does not remedy these deficiencies, nor does it teach or suggest the substance of claim 17.

Chan, a locking approach for managing access to computer resources, has nothing to do with Applicants' inventions. The PTO cited column 2, lines 60-64 of Chan as allegedly teaching automatic notification of an update option. However, this portion of Chan refers to broadcasting a message if a lock failure occurs, notifying of the failure and requesting identification of the locks held by all processes managed by the lock manager. Such notification is sent for security purposes.

In contrast, the update option recited in claim 17 automatically notifies other clients when a field in one client's virtual data island is updated and, moreover, only sends the notification to

other clients that have a corresponding field. The update notification is sent to the other clients so that the data in each of the virtual data island is consistent. Chan includes no teaching or suggestion of the update option recited in claim 17.

Accordingly, Applicants respectfully submit that claim 17 is allowable over the cited documents, and request that the rejection of this claim be reconsidered and withdrawn.

**§ 103 Rejections - Claims 10 and 13-15 (Ziarno I in view of Shoens)**

Claims 10 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Ziarno I as applied to claim 1, and further in view of Shoens. Applicants respectfully traverse the PTO's rejections for at least the following reasons.

Claim 10, as amended, refers to the claim 1 database and states that it further comprises "an opt-in field" indicating whether a client has elected to share data. Claim 13 also depends from claim 10 and states that the opt-in field is set and updated with write-access to the field. Claim 14 recites the claim 10 database, wherein the opt-in field accepts a multi-valued variable, each value corresponding to a data-sharing scheme. Claim 15 depends from claim 14 and states that the multi-valued variable allows clients to share data with others in different manners.

Initially, Applicants respectfully submit that no combination of Ziarno I and Shoens can teach or suggest any of the inventions recited in any of claims 10, 13, 14 or 15. The PTO has already admitted that Ziarno I does not teach the linking table referred to in Applicants' claim 1 (December 2, 2004 Office Action, page 4, paragraph 2). Claims 10 and 13-15 depend cognately from independent claim 1. The PTO has provided no indication of where a linking table is taught in Shoens. Therefore, any combination of Ziarno I and Shoens would be devoid of a linking table. Applicants will assume, for the sake of advancing prosecution of the case, that the

PTO rejection of claims 10 and 13-15 was based on Ziarno I in view of Riordan and further in view of Shoens.

The deficiencies of Ziarno I and Riordan have been previously noted. Shoens does not remedy these deficiencies. Like Chan, Shoens relates to locks. It is directed toward increasing throughput of concurrently executing processes to selectively lockable data resources, while maintaining coherency among replicates of the information state of any accessed resource.

The PTO cited column 6, lines 1-12 of Shoens as allegedly disclosing an opt-in field indicating whether or not a client is participating in a data-sharing scheme. This portion of Shoens simply discusses maintaining the Interest Manager's clock at least as large as any Resource Manager's clock to ensure correctness of the asynchronous lock algorithm. Additionally, this portion of Shoens states that elements in the lock table may be in various modes, such as UNLOCK, UPDATE and READ. These security designations in Shoens are used to help ensure coherency among replicates of the information. This recitation of Shoens has nothing to do with an opt-in field indicating whether or not a client is participating in a data-sharing or a particular data-sharing plan or scheme.

Additionally, the PTO cited column 4, lines 46-55 of Shoens as allegedly disclosing write-access to the field for the purpose of managing concurrent access to records/data (Shoens, col. 1, lines 19-23). However, Applicants' claim 13 refers to an opt-in field set with write-access to the field. As noted above, Shoens does not teach an opt-in field indicating whether a client has decided to participate in data sharing. Therefore, Shoens cannot teach having write-access to such a field. Further, this recitation of Shoens states the lock requests that may be generated when access to a data resource is required. There is no teaching or suggestion in Shoens of an opt-in field for data-sharing that may be updated by write-access.



The PTO also cited column 5, lines 45-50 of Shoens as allegedly disclosing that the opt-in field accepts a multi-valued variable. However, this recitation of Shoens simply discusses synchronizing a clock in order to be able to compare lock histories among multiple processors in order to reduce the likelihood that a lock request will be rejected that should have been allowed. This recitation of Shoens has nothing to do with an opt-in field that indicates whether or not a client is participating in a data-sharing scheme.

Accordingly, Applicants respectfully submit that claims 10 and 13-15 are allowable over the cited documents, and request that the rejection of these claims be reconsidered and withdrawn. Additionally, new claim 52, which depends from claim 10, is allowable for at least the reasons discussed above.

**§ 103 Rejections – Claims 18, 30 and 31 (Ziarno I in view of Ziarno II)**

Claims 18, 30 and 31 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Ziarno I in view of Ziarno II. Applicants respectfully traverse the PTO's rejections for at least the following reasons.

Claim 18 depends from database claim 1, adding "means for login access for donors to the individual constituent records in the virtual data islands, wherein the donors access their records and conduct financial transactions online."

Claim 30 depends from independent method claim 22 and further comprises "accessing individual constituent records online" and "conducting financial transactions." Claim 31 depends from claim 30, and provides that "the financial transactions include making a donation to one or more organizations."

Initially, Applicants respectfully submit that no combination of Ziarno I and Ziarno II teaches or suggests the inventions of Applicants' claims 18, 30 or 31. The PTO has already

admitted that Ziarno I does not teach a linking table (December 2, 2004 Office Action, page 4, paragraph 2), which is recited in independent claims 1 and 22, from which one or more of claims 18, 30 and 31 depend. The PTO has provided no indication of where a linking table is taught in Ziarno II. Therefore, any combination of Ziarno I and Ziarno II would be devoid of a linking table. Applicants will assume, for the sake of advancing prosecution of the case, that the PTO rejection of claims 18 and 30-31 was based on Ziarno I in view of Riordan and further in view of Ziarno II.

The deficiencies of Ziarno I and Riordan have been previously noted. Ziarno II does not remedy any of these deficiencies. The PTO cited the Ziarno II Abstract as teaching login access by donors. Applicants are unclear how this portion of Ziarno II discloses login access by donors. The Ziarno II Abstract refers to dispersing a plurality of portable, self-powered devices to potential contributors at remote locations for the entry of data consisting essentially of monetary contribution or gift commitments. Indeed, Applicants note that Ziarno II does not contain the word "login," the word "log-in," or the words "log in." Applicants were unable to locate any teaching in Ziarno II of providing login admission to a donor for the purpose of accessing their individual records stored in a virtual data island and conducting financial transaction online, as recited in claims 18 and 30-31.

Accordingly, Applicants respectfully submit that claims 18 and 30-31 are allowable over the cited documents, and request that the rejection of these claims be reconsidered and withdrawn.

**§ 103 Rejections - Claims 19, 21 and 34 (Ziarno I in view of Romansky)**

Claims 19, 21 and 34 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Ziarno I as applied to claim 1, and further in view of Romansky. Applicants respectfully traverse the PTO's rejections for at least the following reasons.

Claim 19 recites the database of claim 1 "wherein the client is a political organization."

Claim 21 also depends from claim 1, stating that it further comprises "an opt-out field that indicates the data the client does not wish to share."

Claim 34 depends from independent method claim 22, stating "the client is a political organization."

Initially, Applicants note that no combination of Ziarno I and Romansky can teach or suggest the inventions recited in any of claims 19, 21 or 34. The PTO has already admitted that Ziarno I does not teach the linking table referenced in independent claims 1 and 22 (December 2, 2004 Office Action, page 4, paragraph 2). Claims 19, 21 and 34 depend cognately from independent claims 1 and 22, respectively. The PTO has provided no indication of where a linking table is taught in Romansky. Therefore, any combination of Ziarno I and Romansky would be devoid of a linking table. Applicants will assume, for the sake of advancing prosecution of the case, that the PTO rejection of claims 19, 21 and 34 was based on Ziarno I in view of Riordan and further in view of Romansky.

The deficiencies of Ziarno I and Riordan have been previously noted. Romansky neither teaches nor suggests anything that would remedy these deficiencies. The PTO cited column 2, lines 10-25 of Romansky as disclosing a political organization. This recitation of Romansky refers to removing the names of contributors to a political campaign from a list, in order to maintain those names secret.

Claims 19 and 34 depend from claims 1 and 22, respectively. While Romansky may refer to a political organization, Romansky does not teach or suggest the various deficiencies previously noted with respect to independent claims 1 and 22. Additionally, claim 21 recites an opt-out field indicating that a client does not wish to share data. There is no teaching or suggestion of an opt-out field in Romansky, and the PTO has not pointed to any such teaching.

Accordingly, Applicants respectfully submit that claims 19, 21 and 34 are allowable over the cited documents, and request that the rejection of these claims be reconsidered and withdrawn.

#### **New Claims 38-52**

For at least the reasons discussed above, new claims 38-52 are respectfully submitted to be allowable over the documents cited by the PTO.

Regarding new claims 38-51, Applicants note that independent claims 38 and 45 recite a database; a plurality of virtual data islands partitioned inside the database, each virtual data island storing client data for a specific client, the client data including one or more constituent records, with the constituent records including information about individuals, wherein the information is stored in a plurality of fields; a data pool having data from one or more constituent records stored in the one or more virtual data islands; and analyzing, via a program code(s), data in the data pool, wherein results of the analysis are shared with clients who have elected to contribute to the data pool. As previously discussed, these limitations are neither taught nor suggested by the cited documents, whether taken alone or in any combination. Accordingly, new claims 38-51 are respectfully submitted to be allowable.

New claim 52 depends from claim 10 and is respectfully submitted to be allowable for at least the reasons discussed above with respect to claim 10.

### **Conclusion**

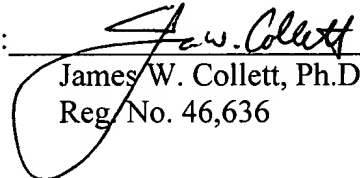
In summary, the cited documents, either taken alone or in combination, do not teach or suggest providing one or more virtual data islands partitioned inside a database, with each virtual data island storing client data for a specific client engaged in fundraising. The client data contains one or more constituent records including information about individuals. The information is stored in a plurality of fields, with each individual assigned a unique identifier. A data pool has selected data from the one or more constituent records, while a master island contains a compilation of the fields in the one or more virtual data islands. A linking table is also provided that includes a compilation of unique identifiers for individuals whose records are in one or more virtual data islands. One or more program codes is also provided for analyzing data in the data pool, with the results of the analysis used for fundraising, for example, in a fund raising campaign.

Thus, for at least the above-identified reasons, Applicants submit that pending claims 1, 5-22 and 26-52 are allowable. Reconsideration of claims 1, 5-22 and 26-37, consideration of new claims 38-52, and allowance of the case is respectfully requested.

Serial No.: 09/819,358  
Filed: March 28, 2001

The Commissioner is hereby authorized to charge the petition fee necessary for a three month extension of time to Deposit Account No. 04-1679. The Commissioner is further authorized to charge any other fees that may be due in connection with this communication, or to credit any overpayment, to Deposit Account No. 04-1679.

Respectfully submitted,

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